

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JEREMY S. BOLDUC,

Plaintiff,

v.

CV 09-0371 BB/WPL

BOARD OF COUNTY COMMISSIONERS  
OF LUNA COUNTY, NEW MEXICO, ET AL.,

Defendants.

*consolidated with*

JAMES D. FLORES,

Plaintiff,

v.

CV 09-0411 BB/WPL

BOARD OF COUNTY COMMISSIONERS  
OF LUNA COUNTY, NEW MEXICO, ET AL.,

Defendants.

**ORDER**

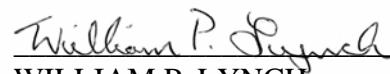
On March 29, 2010, Defendant County of Luna filed a motion to compel. (Doc. 38.) Defendant contends that Plaintiffs failed to respond adequately to several interrogatories. Defendant also points out that on March 16th, the parties filed a joint motion to extend the discovery deadline from April 5th to May 3rd. (See Doc. 28, 35.) I granted that motion. (Doc. 36.) Defendant asserts that its counsel has contacted Plaintiffs' counsel to schedule the Plaintiffs' depositions in April. Plaintiffs' counsel advised that he would not be available during the month of April. Defendant requests that Plaintiffs' counsel be required to allow the depositions of Plaintiffs and to make

himself available for depositions of Plaintiffs' healthcare providers. Finally, Defendant seeks to recover its attorney's fees and costs incurred in bringing the motion to compel. *See* FED. R. CIV. P. 37(a)(5)(A).

Plaintiffs' response to the motion to compel was due on April 15th. *See* D.N.M.LR-Civ. 7.4(a) (providing that a response is due within fourteen days after service of a motion). On April 20th, Defendant filed a notice of completion of briefing regarding the motion. (Doc. 42.) To this date, Plaintiffs have not filed a response. Pursuant to local rule, the failure to file a response to a motion constitutes consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b).

IT IS THEREFORE ORDERED that Defendant's motion to compel is granted in part. Plaintiffs must provide complete responses to the interrogatories discussed in Defendant's motion no later than **May 7, 2010**. Plaintiffs' counsel must also be available for the requested April depositions. Defendant's request for attorney's fees and costs is taken under advisement. Plaintiffs must file a response to this order, no later than **May 7, 2010**, explaining why Plaintiffs, their counsel, or both should not be required to pay Defendant's reasonable expenses incurred in bringing the motion to compel.

IT IS SO ORDERED.

  
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WILLIAM P. LYNCH  
UNITED STATES MAGISTRATE JUDGE

A true copy of this order was served  
on the date of entry--via mail or electronic  
means--to counsel of record and any *pro se*  
party as they are shown on the Court's docket.